

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Milton O. Crawford,

Plaintiff

v.

Kroger Company,

Defendant

Case No.: 2:20-cv-01622-JAD-BNW

**Order Overruling Objection, Adopting
Report & Recommendation, and
Dismissing Case**

[ECF Nos. 7, 11]

Milton O. Crawford brings this case to enforce a default judgment that he claims he secured in a 2012 action before a different judge in this district.¹ This effort is fruitless for two reasons: (1) the way to enforce a default judgment is not to file a new action before a different judge; and (2) even if that were the right avenue for enforcement, Crawford’s effort would fail because the default judgment he seeks to enforce doesn’t exist—the default he is referencing was set aside long ago and never ripened into a default judgment.² Because the factual premise for this action is unequivocally and demonstrably false, the magistrate judge recommends that I dismiss the instant case with prejudice.³ Crawford objects, arguing that the actions and decisions of the judge in the 2012 case were erroneous and violated his rights. He implores me to “intervene to prevent a further gross miscarriage of justice”⁴

But I lack the power to “intervene” in the decisions of another judge in this district, particularly in a case that was closed nearly seven years ago. Crawford’s vehicle for challenging the decisions he disagreed with in that case was an appeal to the Ninth Circuit, and he took

¹ *Crawford v. Smith’s Food & Drug Ctrs., Inc.*, No. 2:12-cv-00122-GMN-GWF.

² See ECF No. 7 (quoting order vacating entry of default).

³ *Id.* at 4.

⁴ ECF No. 11.

1 several such appeals.⁵ Indeed, he continues to actively file motions in that 2012 case. Having
2 reviewed the magistrate judge's report and recommendation de novo, I independently conclude
3 that this default-judgment-enforcement action must be dismissed with prejudice because there is
4 no enforceable default judgment, this court lacks the power to grant the relief Crawford seeks,
5 and amendment would be futile because there are no true facts that Crawford could allege to cure
6 these fatal defects.

7 IT IS THEREFORE ORDERED that the magistrate judge's report and recommendation
8 [ECF No. 7] is **ADOPTED** in full, Crawford's objection [ECF No. 11] is **OVERRULED**, and
9 **THIS CASE IS DISMISSED with prejudice. The Clerk of Court is directed to CLOSE**
10 **THIS CASE**, and Crawford is advised that no further documents may be filed in this now-
11 closed case.

12 Dated: January 20, 2021

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15 U.S. District Judge Jennifer A. Dorsey
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⁵ See, e.g., Ninth Cir. Case Nos. 12-17404, 13-17103, 13-17114, 14-15931, 17-15043.